

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(212)

CWP-21423-2018

Date of Decision : February 01, 2024

Randhir Singh**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. D.S. Rawat, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Anurag Goyal, Advocate, for respondents No. 4, 6 & 8.

Mr. Anand Bhardwaj, Advocate, for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the prayer of the petitioner is that the order dated 26.03.2018, a copy of which has been appended with this petition as Annexure P-8 wherein, the respondents have denied the petitioner the benefit of promotion to the post of Assistant despite being the only eligible candidate, is arbitrary and illegal.

2. It may be noticed that the petitioner is working in the Government Polytechnic Education Society, Uttawar, District Palwal.

3. Learned counsel for the petitioner submits that the petitioner is working on the post of Steno Typist and is eligible for promotion to the post of Assistant and as he is the only one eligible candidate, he is entitled for

consideration of his claim in preference to the others, who are working in the feeder cadre in the post of Clerk and are not eligible.

4. After notice of motion, the respondents have filed the reply and they have submitted that the claim of the petitioner will be considered along with others for promotion to the post of Assistant as and when the Department decides to effect promotions.

5. Learned counsel for the respondents submits that the order dated 26.03.2018 (Annexure P-8), which is being cited that the petitioner is not to be considered for promotion, is incorrect. Learned counsel for the respondents further submits that the said noting is not by the competent authority, which is the Board of Governors, which authority is to decide the promotion issue and as per the respondents, as and when any promotions are to be effected, the claim of the petitioner, in case he is eligible, will be considered along with other eligible candidates for promotion.

6. Learned counsel for the petitioner submits that the petitioner is entitled for consideration for promotion in the year 2018 being the only eligible candidate hence, only the candidates, who were eligible in the year 2018, should be considered for promotion.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It is a settled principle of law that no body can claim promotion to a higher post and only the consideration for promotion can be claimed. The consideration will only be given to the claim as and when the employer decides to effect promotions by considering the claim of all eligible employees.

9. Learned counsel for the respondents have conceded before this Court that as of now, they have not decided to effect any promotion and in

future, in case any decision is taken for promotion to the post of Assistant, all eligible employees including the claim of the petitioner will be considered and appropriate decision will be taken.

10. The claim of the petitioner that only the candidates who are eligible in the year 2018 should be taken into account, the same cannot be accepted. As no candidate has a right to claim promotion and only right of consideration is available hence, as and when the Department decides to fill the post of Assistant by way of promotion, the eligibility on the said date of consideration will be taken into account for deciding as to who is eligible and who is not and who is fit to be promoted keeping in view the rules governing the said aspect.

11. Keeping in view the above, the present writ petition is disposed of with a direction to the respondents that as and when they decide to fill the post of Assistant, all eligible employees, on the day when the decision is taken to fill up the post, who fulfill the eligibility keeping in view the rules governing the services, will be considered and appropriate order will be passed as to who is entitled for promotion under the Rules.

February 01, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No